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*Plaintiffs' Counsel*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE PACIFIC FERTILITY CENTER  
LITIGATION

This Document Relates to:  
Case No. 3:18-cv-01586  
(A.B., C.D., E.F., G.H., and I.J.)

Case No. 3:18-cv-01586-JSC

**DECLARATION OF AMY M. ZEMAN IN  
SUPPORT OF PLAINTIFFS'  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL**

I, Amy M. Zeman, declare as follows:

1. I am a partner at the law firm Gibbs Law Group LLP, counsel for plaintiffs in the above-captioned action. I submit this declaration in accordance with Civil Local Rule 79-5 in support of Plaintiffs' Administrative Motion to Seal the following documents or portions thereof:

- Portions of Plaintiffs' Motion to Exclude Expert Testimony;
- Certain exhibits to the Declaration of Amy M. Zeman in Support of Plaintiffs' Motion to Exclude Expert Testimony, including
  - Exhibit 1 – Expert Report of Eldon Leaphart dated November 6, 2020;
  - Exhibit 2 – Excerpts from the November 18, 2020 deposition of Eldon Leaphart;
  - Exhibit 3 – Expert Report of John Cauthen dated November 6, 2020;
  - Exhibit 4 – Excerpts from the November 24, 2020 Deposition of John Cauthen
  - Exhibit 5 – Supplemental Report of Grace Centola dated November 20, 2020;
  - Exhibit 6 – Excerpts from the November 23, 2020 deposition of Grace Centola;
  - Exhibit 7 – Supplemental Report of Franklin Miller dated November 20, 2020;
  - Exhibit 8 – Excerpts from the December 1, 2020 Franklin Miller deposition;
  - Exhibit 9 – Second Rebuttal Report of Franklin Miller dated December 11, 2020;
  - Exhibit 10 – Expert Report of Angela Lawson dated December 4, 2020;
  - Exhibit 11 – Excerpts from the December 11, 2020 deposition of Angela Lawson;
  - Exhibit 13 – Bates-stamped document MSO005378 – MSO005380; and
  - Exhibit 14 – Pacific MSO, LLC's Response to Defendant Chart, Inc.'s Subpoena for 30(b)(6) Deposition by Written Questions, dated October 23, 2020; and
- Portions of Plaintiffs' Proposed Order to Exclude Expert Testimony.

2. On November 5, 2020, the Court entered the Parties' Second Amended Stipulated Protective Order, under which a party or non-party may designate information or items that it produces or discloses in response to discovery as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY." (ECF No. 598, ¶ 5.2.) Paragraph 12.3 of the Stipulated Protective

Order prohibits a party from filing in the public record any Protected Material without written permission from the Designating Party or a court order secured after appropriate notice to all interested persons. (Id. ¶ 12.3.)

3. The following portions of Plaintiffs' Motion to Exclude Expert Testimony quote, reference, or otherwise rely on documents designated by Chart or Pacific MSO, LLC as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the Second Amended Stipulated Protective Order:

Page	Line(s)	Designating Party
1	8 – 21	Chart Inc.
1	23	Chart Inc.
2	7 – 13	Chart Inc.
2	16 – 25	Chart Inc.
3	1 – 4	Chart Inc.
3	6	Chart Inc.
4	4 – 17	Chart Inc.
5	24 – 28	Chart Inc.
6	1	Chart Inc.
6	3 – 6	Chart Inc.
6	9 – 18	Chart Inc.
6	23 – 28	Chart Inc.
6	1 – 2	Chart Inc.
7	6 – 13	Chart Inc.
7	15 – 27	Chart Inc.
8	3 – 15	Chart Inc.
8	18 – 28	Chart Inc.; Pacific MSO, LLC
9	1 – 18	Chart Inc.; Pacific MSO, LLC
10	4 – 11	Chart Inc.; Pacific MSO, LLC
10	17 – 27	Chart Inc.
11	1 – 2	Chart Inc.
11	10 – 25	Chart Inc.; Pacific MSO, LLC
12	4 – 6	Chart Inc.
12	10 – 18	Chart Inc.
12	21 – 22	Chart Inc.
13	1 – 10	Chart Inc.
13	18 – 28	Chart Inc.
14	4 – 6	Chart Inc.
14	11 – 16	Chart Inc.
14	23 – 28	Chart Inc.
15	2 – 9	Chart Inc.
15	13 – 14	Chart Inc.

Page	Line(s)	Designating Party
15	17	Chart Inc.
15	22 – 26	Chart Inc.
16	2 – 7	Chart Inc.
16	9 - 12	Chart Inc.
16	14 – 15	Chart Inc.
16	20 – 24	Chart Inc.
17	4 – 17	Chart Inc
17	19	Chart Inc
17	24 – 28	Chart Inc
18	1 – 2	Chart Inc
18	4 – 5	Chart Inc
18	7 – 11	Chart Inc
18	17 – 25	Chart Inc
19	1 – 4	Chart Inc
19	20 – 26	Chart Inc
20	1 – 10	Chart Inc
20	16	Chart Inc
20	20 – 21	Chart Inc
21	4 – 6	Chart Inc
21	10	Chart Inc
21	12	Chart Inc
21	14 – 15	Chart Inc
21	17 – 23	Chart Inc
22	2	Chart Inc
22	13 – 22	Chart Inc
23	1 – 12	Chart Inc
23	14	Chart Inc

4. The following exhibits to the Declaration of Amy M. Zeman in Support of Plaintiffs' Motion to Exclude Expert Testimony quote, reference, or otherwise rely on documents designated by Chart or Pacific MSO, LLC as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the Second Amended Stipulated Protective Order:

Exhibit	Page	Line(s)	Designating Party
1	Designated in Full	Designated in Full	Chart Inc
2	Designated in Full	Designated in Full	Chart Inc
3	Designated in Full	Designated in Full	Chart Inc
4	Designated in Full	Designated in Full	Chart Inc
5	Designated in Full	Designated in Full	Chart Inc
6	Designated in Full	Designated in Full	Chart Inc
7	Designated in Full	Designated in Full	Chart Inc

DECLARATION OF AMY M. ZEMAN IN SUPPORT OF PLAINTIFFS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
CASE NO. 3:18-cv-01586-JSC

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10	Designated in Full	Designated in Full	Chart Inc
11	Designated in Full	Designated in Full	Chart Inc
13	Designated in Full	Designated in Full	Pacific MSO, LLC
14	Designated in Full	Designated in Full	Pacific MSO, LLC

5. The following portions of Plaintiffs' Proposed Order to Exclude Expert Testimony quote, reference, or otherwise rely on documents designated by Chart as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant to the Second Amended Stipulated Protective Order:

Page	Line(s)	Designating Party
1	7 – 22	Chart Inc.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 22nd day of December 2020, in San Rafael, California.

/s/ Amy M. Zeman  
Amy M. Zeman

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2020, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to all counsel of record registered in the CM/ECF system. I also caused an unredacted copy of the foregoing document to be served via email on counsel of record.

/s/ Amy M. Zeman